

NEEDHAM PLANNING BOARD MINUTES

March 3, 2009

The regular meeting of the Planning Board, held in the Selectmen's Meeting Room at Town Hall was called to order by Martin Jacobs, Chairman, on Tuesday, March 3, 2009 at 7:30 p.m. with Messrs. Handel and Ruth and Ms. McKnight as well as Planning Director, Ms. Newman and Recording Secretary, Ms. Kalinowski

Review of Draft Zoning Articles

Ms. Newman noted the only item on the agenda is zoning. She tried to capture everything they talked about. On page 1 of the Needham Center Overlay District it says "submission to Planning Board." Is this self explanatory or upon the submission of a Special Permit. She asked they clarify a submission of what. Mr. Handel noted for a Special Permit with respect to the zoning district. Mr. Jacobs stated they could end after "DHCD" and strike "in effect on the date of the applicant's submission to the Planning Board." All agreed. Ms. McKnight noted on page 2, she thought the date was going to be changed to February something. Ms. Newman agreed this should be changed. Mr. Ruth suggested 2/17/09 as may be amended from time to time. Ms. McKnight noted it should be the appropriate date of when the warrant is published. She stated 3.8.3.1(d) is for a mixed-use building but the definition is for a mixed-use development. She asked if they want a distinction. Ms. Newman will add a sentence that Mixed-Use Development and Mixed-Use building shall have the same meaning. Mr. Handel clarified (d) should be Mixed-Use development. They need to make sure it would be building or development. Ms. Newman will add a definition for Mixed-Use building. Ms. McKnight noted on page 1 the Mixed-Use development (vertical) should be changed to Mixed-Use Building, then Mixed-Use Development. They should scratch the vertical and horizontal. Mr. Ruth noted a Mixed-Use Building is a building in a Mixed-Use Development period and leave the definitions of vertical and horizontal alone. Mr. Smart agreed. All agreed. They will leave vertical and horizontal alone.

On page 2, Section 3.83(d) add the multi-family dwelling definition that is in Garden Street. Vertical and horizontal is not in the text of the By-Law. It was asked why they should define it. Mr. Jacobs noted Article 3, Section 3.10.6 is the multi-family development definition. It is expressly for this section and applies only to this section. Mr. Handel stated they should just define Mixed-Use in the By-Law. Mr. Ruth and Mr. Jacobs agreed. Mr. Handel noted it should say 2 or more uses in the same building or development and then expand for downtown. Mr. Smart commented when you are talking about mixed uses it must be an allowed use in the district. Ms. McKnight asked if it was possible to narrow these definitions so they only apply to the overlay district. It should say something like "a building in the Needham Center, Garden Street or Chestnut Street overlay district in which... and keep the rest the way it is. That is what they were intended for and that ties them into these 3 zones only. Or they could see whether they could just change Mixed-Use Development Vertical to Mixed-Use Building and then say "a building in the ... and then name the overlay district and then the Mixed-Use Development, without saying Vertical or Horizontal, with 2 or more buildings in the blank overlay district on one lot..."

Mr. Jacobs noted Article 3 (a) on page 1 should be 1.3 not 3.1. Ms. McKnight suggested in Article 1, page 1, under Mixed-Use Development they should add "restaurant uses as may be permitted in the applicable overlay district." Mr. Smart suggested by right or by Special Permit. In Article 3, page 1 (a) under Multi-Family they should add "contains more than one dwelling unit." In Article 1, under Mixed-Use Building they should take out multi-family. Mr. Jacobs noted it should state "dwelling unit(s)." All agreed. Add "a building in the Needham Center/Chestnut Street/Garden Street overlay district in which the ground floor facing the street is used for retail or restaurant uses as may be permitted in the applicable overlay district and other ground-floor and upper-floor space is used for other commercial use(s) or dwelling unit(s)." All agreed. Under Mixed-Use Development they should remove Vertical and Horizontal. It was suggested after Two (2) or more buildings on one lot add "in the applicable overlay district." In Article 1, page 3(e) add the same language as Article 2 -- Chestnut Street -- for underground parking in 3.9.4.1(e) "underground parking within 10 feet of the boundary."

Mr. Smart noted page 4, 3.8.4.3(b)(2) and page 5 (c). He commented they cannot get around making a contribution to the parking fund in the overlay district if they do not have enough parking. They should get rid of 3.8.4.3(b)(2). This should make it possible for them to contribute to the fund. Ms. Newman noted this was a committee decision and she was reluctant to change it. She will ask Mr. DiNisco to come in to discuss the ramifications of 3.8.4.3(b)(2) and the impact on

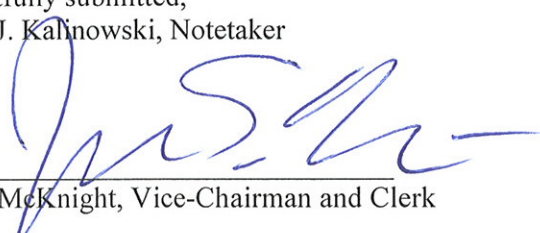
C in Section 3.8.5. Mr. Jacobs asked about page 5, Section 3.8.5(a)(3). They should change multi-family to dwelling. All agreed. Ms. McKnight noted 3.8.5(b) should be mixed-use building not development. All agreed. Mr. Smart asked if 3.8.5.1(a)(3) was necessary. Ms. Newman noted it encourages smaller retail uses in the building. Mr. Smart asked why they need it. Ms. McKnight suggested they add after designed "to the extent feasible." All agreed. Ms. McKnight asked if the Planning Board should be doing 3.8.6(f). She feels this is approving marketing plans. Ms. Newman noted the Housing Authority does this. In Article 2, page 2, 3.9.3.2(c) it should be "dwelling(s)." This was agreed. Mr. Handel noted in 3.9.4.2, they should add from face "and rear." Mr. Smart noted he was not sure if it would make any difference. Mr. Handel commented they could leave it alone but talk to Kathy Lewis who is concerned about this. Ms. McKnight will talk with her. In 3.9.4.1(e)(1) they should add wording regarding underground parking. This was agreed. Ms. McKnight noted she did not recall agreeing to Article 3, page 2, 3.10.4.1(d). Ms. Newman noted they should change it to 10 feet and leave it the way it was. In 3.10.4.3 it was suggested they change mixed-use developments to mixed-use buildings and multi-family developments to multi-family dwellings. Mr. Handel suggested they put mixed-use buildings or mixed use developments. This was agreed. Ms. McKnight suggested they add "any development containing 6 or more dwelling units on the lot and delete the second sentence. After discussion they decided "any building or combination of buildings containing 6 or more dwelling units on the lot...". Ms. Newman will make the changes.

John Jensen – 43 Morton Street, Needham, MA.

Ms. Newman noted John Jensen put up a pool house. It is too close to the existing structure and he had no permit for the pool house. He wants to change the zoning. Mr. Handel stated he was open to looking at this. Ten feet between a pool and pool house does not seem right. Ms. Newman will invite Mr. Jensen to come in and ask the Building Inspector, the Fire and Police to make comments. They will see what the justification is for this. She will contact Paul Killeen to see if he has any history.

Upon a motion made by Mr. Handel, and seconded by Mr. Ruth, it was by the four members present unanimously:
VOTED: to adjourn the meeting at 10:00 p.m.

Respectfully submitted,
Donna J. Kalinowski, Notetaker



Jeanne McKnight, Vice-Chairman and Clerk